REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-18 are all the claims pending in the application. Applicant submits the pending claims

define patentable subject matter.

Allowable Subject Matter

Claims 5, 6, 11, 16 and 17 remain objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Applicant notes that in regard to the allowability of claims 5, 6, 11, 16 and 17, the

Examiner states:

> the major difference between the teaching of the prior art of record
> (Toffolo et al., Klein and Matsuda) and the instant invention is that
> on receipt of a signal indicating that there exists a user within the
> predetermined range from the detecting sensor, the controller
> controls the OSD processing unit to output a pre-set OSD signal to
> the signal processing unit, thereby allowing the user to select
> whether to perform an afterimage-eliminating function.

In response, Applicant submits that although the Examiner has substantially quoted the

language of claim 5, Applicant submits each individual claim is allowable based on its own

language, and not based on any paraphrasing of language that may be made by the Examiner.

Claim Rejections - 35 USC § 103

Claims 1, 4, 7, 10, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Toffolo et al. (US Patent No. 6,628,247; hereinafter "Toffolo") in view of Klein (US Patent

No. 6,401,209 B1). Applicant traverses the rejection as follows.

Independent claim 1 recites, in part:

> a signal processing unit for processing signals and outputting video signals to a display;
>
> a detecting sensor for detecting whether there exists a user within a predetermined range from the display when a still picture corresponding to video signals of an identical pattern outputted from the signal processing unit is displayed on the display beyond a pre-set time; and
>
> a control unit for controlling the signal processing unit to display an afterimage-eliminating picture on the display when a signal corresponding to a non-presence of the user is outputted from the detecting sensor, thereby eliminating the afterimage caused due to the still picture.

The Examiner asserts that Toffolo teaches all of the claimed features noted above, except a detecting sensor for detecting whether there exists a user within a predetermined range from the display. Nevertheless, the Examiner alleges Klein teaches the above-noted features. The Examiner argues that Toffolo and Klein are combinable because,

> [i]t would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Klein into Toffolo et al. system in order to automatically switch computer to different mode when a computer user leaves the proximity of computer (See Col. 2, Lines 32-35).

Applicant respectfully disagrees with the Examiner's rationale.

Instead, Applicant submits Toffolo actually teaches away from such a modification. In particular, the "different mode" as used in the Klein reference, is the activation of a screen saver mode. That is, the cited portion of Klein discloses switching to a screen saver mode when a computer user leaves the proximity of the computer. However, Toffolo is directed to latent image reduction.[1] Further, in regard to screen savers, Toffolo expressly states:

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[1] See Toffolo, Title.

> It is known to dim the screen after a period of inactivity by the user, indicated by a lack of input on a user-input device. Alternatively, "screen savers" display moving or changing images which more evenly age the pixels; however, none of these techniques is implemented during use. There may be portions of the display which remain activated for extended periods of time while sufficient activity is occurring in other portions of the screen to prevent the screensaver from activating or the screen to dim.
>
> High resolution reconfigurable displays are being used more frequently in vehicles. Latent images in these displays is a particular problem, since long periods of time without input from a user-input device are not unusual and do not normally mean that the screen can be dimmed or that a "screen saver" can replace the information being displayed. For example, a display which includes vehicle gauges, such as the vehicle speedometer, might operate continuously for hours without a user input, but the information must be displayed constantly. Therefore, the <u>known techniques for reducing latent images are inapplicable</u>.[2]

In other words, Toffolo indicates that known methods of latent image reduction, such as using screen savers, are <u>inapplicable</u>, since Toffolo is specifically concerned with reduction of latent images for applications in which information must be displayed constantly. Therefore, based on the above-cited passage, Applicant submits Toffolo teaches away from using a screen saver-type mode switching method as disclosed in Klein.

Furthermore, Applicant points out that the claim specifically recites, "a detecting sensor for detecting whether there exists a user within a predetermined range from the display <u>when a still picture corresponding to video signals of an identical pattern outputted from the signal processing unit is displayed on the display beyond a pre-set time[.]</u>"[3] However, the Examiner

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[2] See Toffolo, col. 1, lines 15-34 (<u>emphasis</u> added).

[3] <u>Emphasis</u> added.

has not indicated which portion of the references teaches this unique feature of the claimed

invention. Instead, the Examiner merely asserts that Toffolo teaches:

> a still picture corresponding to video signals of an identical
> pattern outputted from the signal processing unit is displayed on
> the display beyond a pre-set time (See Fig. 2, items 30, 32a, b, Col.
> 2, Lines 33-35)[.]

Applicant submits that the Examiner neglects to consider the entirety of the claim language

whereby the detecting sensor detects whether there exists a user within a predetermined range

from the display <u>when</u> a still picture corresponding to video signals of an identical pattern

outputted from the signal processing unit is displayed on the display beyond a pre-set time.

In other words, even assuming, *arguendo*, Toffolo teaches the still picture, and that Klein

teaches the detecting sensor, Applicant submits neither reference, either alone or in combination,

teaches or suggests all of features of the claim, i.e., <u>a detecting sensor for detecting</u> whether there

exists a user within a predetermined range from the display <u>when</u> a still picture corresponding to

video signals of an identical pattern outputted from the signal processing unit is displayed on the

display beyond a pre-set time. That is, nothing in either reference detects whether a user is

within range from a display, when a still picture is displayed on the display beyond a pre-set

time.

On the contrary, Klein simply detects when the user is not in proximity of the computer,

and then executes a screen saver.[4] Further, the cited portion of Toffolo simply discloses

displaying an image for a period of time. Nothing in either reference, however, even remotely

suggests detecting whether a user is within range from a display, <u>when</u> a still picture is displayed

on the display beyond a pre-set time. As noted above, Toffolo clearly teaches away from using

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[4] See Klein, Abstract.

the type of screen saver mode switching method as disclosed in Klein. Thus, the prior art of

record is deficient in this regard.

Additionally, in the "Response to Arguments," the Examiner states:

> On page 4, 3rd paragraph of Remark, Applicant's stated that the teachings of two references are not sufficient to establish a prima facie case of obviousness if the proposed modification or combination of the references would change the principle of operation of the prior art invention being modified. However, "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference.... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). See also In re Sneed, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983) ("[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review."); and In Fe Nievelt, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973) ("Combining the teachings of references does not involve an ability to combine their specific structures."). However, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.

Applicant respectfully disagrees.

Applicant submits that if one of skill in the art were to modify the references, as the

Examiner suggests, the principle of operation of Toffolo would impermissibly be destroyed

since, as noted above, Toffolo is specifically designed to avoid using screen savers. Moreover,

such a modification would also render Toffolo unsuitable for its intended purpose, i.e., to avoid

using a screen saver. As such, one of ordinary skill in the art, at the time the invention was

made, would not have been motivated to modify the references as the Examiner suggests.[5]

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[5] See MPEP § 2143.01.

Accordingly, Applicant submits independent claim 1 is patentable over the prior art of record at least for these reasons. Similarly, Applicant submits independent claims 7, 13 and 18 are patentable for analogous reasons. Further, Applicant submits dependent claims 4 and 10 are patentable, at least by virtue of their respective dependency on claims 1 and 7.

Claims 2, 3, 8, 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toffolo and Klein as applied to claims 1, 7, 13 above, and further in view of Matsuda (JP 07-295531).
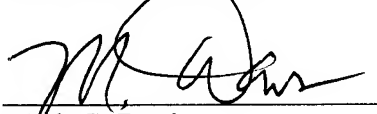
Applicant submits that Matsuda fails to cure the deficiency of Toffolo and Klein noted above. Consequently, we would submit dependent claims 2, 3, 8, 9, 11, 12, 14 and 15 are patentable, at least by virtue of their respective dependency on claims 1, 7 and 13.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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